IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 25811 of 2026

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BHAVESH SHASHIKANT MODI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR VISHAL B MEHTA(5319) for the Applicant(s) No. 1,2,3,4,5,6
MR K.M. ANTANI APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 30/10/2026
ORDER

1. Learned advocate Mr. Meet B. Chalekar stated that he has instruction to appear on behalf of original complainant. Vakalatnama of Mr. Chalekar be accepted. **Rule**. Mr. K.M. Antani, learned Additional Public Prosecutor and Mr. Meet B.Chalekar, learned advocate, waive service of notice of rule on behalf of the respective respondents.

2. This application has been filed under section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for quashing and setting aside the complaint being FIR No.11206075260837 of 2026 registered with Visnagar Town Police Station, Mehsana for offfences punishable under sections 140(2), 121(1), 189(2), 190, 191(2), 115(2) and 351(3) of the BNS and the proceedings initiated pursuant thereto.

3. Mr. Vishal B.Mehta, learned advocate for the applicants, submitted that the parties have settled the dispute amicably

outside the Court and that there remains no grievance between them. It was submitted that the parties are known to each other and therefore, in the larger interest of the society, the impugned complaint may be quashed and set aside.

3.1 Learned advocate submitted that the Court may verify the said aspect from the original complainant, respondent No.2.

4. Mmeet B.Chalekar, learned advocate for the original complainant, concurred with the factum of settlement of the dispute, as advanced by learned advocate Mr. Mehta appearing for the applicants.

5. The original complainant – Riken Girishkumar Prajapati is present before this Court. This Court verified the contents of the compromise with the original complainant. The respondent no.2, original complainant, affirmed about the execution of the Affidavit dated 24.10.2026. The original complainant submitted that there was some misunderstanding, where the applicants had suspicion that there was having some indrect transaction of the datas of the applicant company. The complainant submitted that now the apprehension and suspicion has been resolved amicably and that he does not want to proceeding with the complaint and that he has no objection to the quashment of the impugned first information report filed by him.

6. Mr. K.M. Antani, learned Public Prosecutor, submitted that it is not the case of data theft, but the complainant was

beaten by the accused and he was subjected to kick and fist blows and that any First Information Report should be quashed in accordance with the guidelines of the Apex Court and the parameters laid down therein.

7. This Court has heard the learned advocates on both the sides and has perused the material on record. In the Affidavit it has been categorically averred that the dispute with the applicants have been amicably resolved with the help of elder persons and that the impugned complaint had been filed because of some misunderstanding and misconception. It is also averred that there is no ill-will between the parties and that the original complainant had not sustained any serious injury in the alleged incident.

8. It is true that the offences alleged against the applicants under the Indian Penal Code are non-compoundable and that some of the offences could be compounded with the permission of the Court. Considering the principle laid down by the Apex Court in the case of **Gian Singh v. State of Punjab and another** reported in **2012 (10) SCC 303**, the present matter would fall under the criteria laid down therein. In paragraph-61 of the said judgment, it has been observed thus:

> *"61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline*

engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victims family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

9. The dispute is a private and personal affair. The injury sustained does not involve any mental depravity nor amounts to a heinous crime. The parties are residing in the same village and have been staying there since many years. In view of the settlement arrived at between the parties, there exists

no scope for any further proceeding in the matter. The continuance of proceedings would lead to wastage of precious judicial time as there would remain no possibility of any conviction in the case. Hence, the Court is of the opinion that this is a fit case where the inherent powers of the Court under section 528 of the BNSS could be exercised for securing the ends of justice.

10. In the result, the petition is allowed. The impugned first information report bearing being FIR No.11206075260837 of 2026 registered with Visnagar Town Police Station, Mehsana and the proceedings initiated in pursuance thereof are quashed and set aside. Rule is made absolute. Direct service is permitted.

(GITA GOPI,J)

Pankaj/19

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PANKAJ KUMAR PRASAD(HC00967), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 30/10/2026 15:40:37